

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DAVID BOOKER,
Plaintiff,
v.
JOSEPH LOMBARDO,
Defendant.

Case No.: 2:22-cv-1968-GMN-DJA

ORDER
(ECF Nos. 1, 5)

Pro se plaintiff David Booker, an inmate housed in Clark County Detention Center, has submitted a complaint under 42 U.S.C. § 1983, filed a second complaint, and filed two applications to proceed *in forma pauperis*. (ECF Nos. 1, 1-1, 3, 5). Plaintiff's applications to proceed *in forma pauperis* are incomplete because Plaintiff did not use the Court's approved form application and failed to include a financial certificate and an inmate trust fund account statement for the previous six-month period with either application. Even if Plaintiff has not been at CCDC for a full six-month period, he must still submit both a financial certificate and an inmate account statement for the dates that he has been at the facility. 28 U.S.C. § 1915(a)(2); Nev. Loc. R. Prac. LSR 1-2.

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**

1 **statement for the previous six-month period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev.
2 Loc. R. Prac. LSR 1-2.

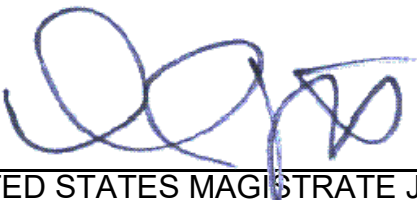
3 It is therefore ordered that the applications to proceed *in forma pauperis* (ECF
4 Nos. 1, 5) are denied without prejudice.

5 It is further ordered that Plaintiff has until **March 13, 2023** to either pay the full \$402
6 filing fee or file a new fully complete application to proceed *in forma pauperis* with all three
7 required documents: (1) a completed application with the inmate's two signatures on page
8 3, (2) a completed financial certificate that is signed both by the inmate and the prison or
9 jail official, and (3) a copy of the inmate's trust fund account statement for the previous
10 six-month period.

11 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
12 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
13 to refile the case with the Court, under a new case number, when Plaintiff can file a
14 complete application to proceed *in forma pauperis* or pay the required filing fee.

15 The Clerk of the Court is directed to send Plaintiff David Booker the approved form
16 application to proceed *in forma pauperis* for an inmate and instructions for the same and
17 retain the original complaint (ECF No. 1-1) but not file it at this time.

18 DATED this 10th day of January 2023.

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UNITED STATES MAGISTRATE JUDGE